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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JOHN M. PARRISH, KELLY C. TUGGLE, and JASON STAUTY

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Appeal 2020-000684  
Application 14/491,496  
Technology Center 3600

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Before NORMAN H. BEAMER, ADAM J. PYONIN, and GARTH D. BAER, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's rejection. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD as the real party in interest. Appeal Br. 2.

## STATEMENT OF THE CASE

### *Introduction*

The application is directed to “supporting compliance with customs/border requirements” (Spec. ¶ 4) using a “kiosk [that] includes a camera [that] captures one or more images of a traveler” (Spec. ¶ 23).

Claims 1, 3–6, 12–17, 19–25, 27, and 28 are pending; claims 1, 12, and 20 are independent, and claims 2, 7–11, and 18 are canceled. Appeal Br. 20–28. Claim 1 is reproduced below for reference (emphases added):

1. A system comprising:

*a kiosk disposed at a first airport*, the kiosk comprising a passport scanner configured to retrieve passport information from a passport of a traveler, a camera configured to capture a first image of the traveler, and a touchscreen configured to obtain second information associated with the traveler, the kiosk configured to collect, from a mobile device associated with the traveler over a wireless communication link, third information associated with the traveler, wherein the third information comprises customs declaration information previously input by the traveler at the mobile device;

a second camera disposed at a customs or border enforcement area of the first airport, the second camera configured to obtain a second image of the traveler approaching or within a specified portion of the customs or border enforcement area; and

at least one computing device disposed at the first airport, the at least one computing device configured to receive the passport information, the first image, the second information, and the third information from the kiosk, *receive fourth information associated with the traveler obtained from a second kiosk located at a second airport*, provide at least a portion of the received information to an external customs related computer system, and receive a disposition code from the external customs related computer system, wherein the disposition code identifies whether the traveler is allowed to pass the customs or border enforcement area, wherein the external customs related computer

system is communicatively separated from the at least one computing device by a firewall;

wherein the at least one computing device is also configured to detect questionable or fraudulent information among the received information and send an alert to an agent associated with the customs or border enforcement area without providing any information to the external customs related computer system; and

wherein the at least one computing device is also configured to receive the first or second image, perform facial recognition to identify the traveler, and provide at least some of the received information to the agent associated with the customs or border enforcement area.

### *Rejections*

Claims 1, 3–6, 12–16, 19–24, 27, and 28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Molloy (US 2010/0051679 A1; Mar. 4, 2010), Stefani (US 2013/0070974 A1; Mar. 21, 2013), Whitehouse (US 2014/0279648 A1; Sept. 18, 2014), and Sampigethaya (US 2012/0210387 A1; Aug. 16, 2012). Final Act. 3.

Claims 17 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Molloy, Stefani, Sampigethaya, and Casey (US 2012/0203827 A1; Aug. 9, 2012). Final Act. 12.

### ANALYSIS

Appellant argues that “none of the references teaches or suggests information being shared between airports,” and “[a]s for the Examiner’s assertion that ‘the only way to ensure safety is to screen passengers at multiple airports and have data available at all of the airports,’ the Examiner offers no support for this statement.” Reply Br. 2–3. Appellant contends the

Examiner errs in asserting that “Stefani discloses receiving information from kiosks located at different airports,” because “*Stefani* does not contain a teaching or suggestion that the “passenger tracking environment” can be applied across travel facilities.” Reply Br. 3. Appellant further contends that Stefani’s “stated purpose of the passenger tracking environment is to determine queue time,” and that “[s]haring facial recognition information between cameras at different airports (as proposed by the Examiner) would be useless for determining queue time or dwell time at an airport.” Reply Br. 4; citing Stefani ¶¶ 19–38.

We are persuaded by Appellant’s arguments. The Examiner finds that “[t]he only way to ensure safety is to screen passengers at multiple airports and have data available at all of the airports” (Ans. 3) and that Stefani teaches “the disclosed embodiments may be applied to other **travel facilities**” (Ans. 5, quoting Stefani ¶ 54), and that “the system and method may be applied to other travel facilities is [a] suggestion [] the system and method is applicable to one or more facilities (i.e. airports).” Ans. 5.

The Examiner further finds that

Molloy also teaches receiving information at kiosks at multiple airports. In paragraph [0041] of Molloy, “In an alternative embodiment, kiosks 100 could be placed in the jurisdiction from which travelers are departing. In this embodiment, the communications between server 101 and government computer 120 must cross the jurisdictional boundaries. A key advantage to this embodiment is that if travelers are not permitted entry into a jurisdiction to which they are attempting to travel to, they will not be permitted to leave the departing jurisdiction, thereby avoiding the inconvenience and expense of a later deportation. Such an embodiment does require close cooperation between jurisdictions.”

Ans. 5.

The Examiner’s statement that “the only way to ensure safety is to screen passengers at multiple airports and have data available at all of the airports” is not taught or suggested by the references, and the Examiner provides no evidence to support the assertion. Stefani’s mention of “other travel facilities” cited by the Examiner is part of a list of various types of applicable places, such as train stations, bus depots, etc., rather than any sort of suggestion of sharing safety information between facilities. Stefani ¶ 54.

Further, we agree with Appellant that the text of Stefani suggests screening at many types of travel facilities, but only to determine queueing/dwell times at a particular facility, as measuring queueing/dwell times across multiple facilities does not make sense for Stefani’s intended use. *See* Appeal Br. 15. Although the Examiner is correct that Molloy suggests communication between a government computer and a kiosk crossing jurisdictional boundaries (*see* Ans. 5), this arrangement does not render communication of information obtained from a second kiosk located at a second airport obvious, because the references do not teach or suggest information sharing amongst kiosks across airports. *See* Molloy ¶ 41.

Therefore, we are persuaded the Examiner’s obviousness rejection is in error. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (To reject a claim under 35 U.S.C. § 103, the obviousness “analysis should be made explicit.”). Accordingly, we are constrained by the record to reverse the Examiner’s obviousness rejection of independent claim 1, as well as independent claims 12 and 20 commensurate in scope, and all dependent claims.

## DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 3–6, 12–16, 19–24, 27, 28	103	Molloy, Stefani, Whitehouse, Sampigethaya		1, 3–6, 12–16, 19–24, 27, 28
17, 25	103	Molloy, Stefani, Whitehouse, Sampigethaya, Casey		17, 25
<b>Overall Outcome</b>				1, 3–6, 12–17, 19–25, 27, 28

REVERSED